

41-6a-1409. Vehicle immobilization devices -- Definitions -- Notice requirements -- Maximum removal fee.

(1) As used in this section:

(a) "Immobilize" means to affix and lock a vehicle immobilization device to the exterior of a motor vehicle.

(b) "Vehicle immobilization device" means a device that may be affixed and locked to the exterior of a motor vehicle for the purpose of prohibiting the movement or removal of the vehicle from its location.

(c) "Vehicle immobilizer" means a person who or entity that uses or causes to be used a vehicle immobilization device for the purpose of enforcing parking restrictions with prior authorization from the owner or person in lawful possession or control of the real property.

(2) (a) A vehicle immobilizer may not immobilize a vehicle without the motor vehicle owner's knowledge at either of the following locations without signage that meets the requirements of Subsection (2)(b):

(i) a mobile home park as defined in Section 57-16-3; or

(ii) a multifamily dwelling of more than eight units.

(b) Signage under Subsection (2)(a) shall display:

(i) where parking is subject to being immobilized; and

(ii) one of the following:

(A) the name and phone number of the vehicle immobilizer that immobilizes a vehicle for the locations listed under Subsection (2)(a)(i); or

(B) the name of the mobile home park or multifamily dwelling and the phone number of the mobile home park or multifamily dwelling manager or management office that authorized the vehicle immobilizer to immobilize the motor vehicle.

(c) Signage is not required under Subsection (2)(b) for parking in a location:

(i) that is prohibited by law; or

(ii) if it is reasonably apparent that the location is not open to parking.

(d) Nothing in Subsection (2)(b) restricts the ability of a mobile home park as defined in Section 57-16-3 or a multifamily dwelling from instituting and enforcing regulations on parking.

(3) (a) Upon immobilizing a vehicle, the vehicle immobilizer shall affix a notice to the immobilized vehicle in a conspicuous place so as to be plainly visible to a person seeking to operate the vehicle.

(b) The notice under Subsection (3)(a) shall include:

(i) the name and phone number of the vehicle immobilizer;

(ii) a phone number that the owner of the vehicle may call to arrange for release of the vehicle; and

(iii) applicable fees.

(4) (a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed:

(i) \$75 for the first 24-hour period a vehicle is immobilized; plus

(ii) \$25 for each additional 24-hour period a vehicle is immobilized.

(b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed \$150 for each instance.

(c) A vehicle immobilizer may not charge a fee for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device in addition to the fees specified under this Subsection (4).

(d) A vehicle immobilizer may not charge a fee under this Subsection (4) for the immobilization of a vehicle for any period in which the vehicle has been towed and custody of the vehicle has been transferred to a vehicle impound yard.

(e) A vehicle immobilizer shall accept payment by cash and debit or credit card for the removal of a vehicle immobilization device or any service rendered, performed, or supplied in connection with the removal of the immobilization device.

(5) A county or municipal legislative or governing body may not enact or enforce any ordinance, regulation, rule, or fee pertaining to a vehicle immobilization device that conflicts with this part.

Amended by Chapter 249, 2014 General Session